D.B. CIVIL SPECIAL APPEAL NO.123/2005.
(State of Rajasthan & Ors. vs. Kumari Uma Tailor)

Date : 12.04.2005.

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.O.P.Boob, Addl. Govt. Advocate.
Mr.Lalit Kawadia, for the respondent.

We have heard learned counsel for the parties and perused the order of the learned Single Judge dated 05.04.2004.

The respondent was denied the admission in BSTC 2003 on the ground that she was not holding the requisite qualification. The controversy involved has been concluded by a decision of the Apex Court in Sunita Sharma vs. State of Rajasthan, reported in JT 2001 (10) SC 170.

The learned Single Judge found that the respondent had passed Sr. Secondary (Vocational) examinations with 74.67% marks. The persons who had secured 73.69% marks were given admission. The learned Single Judge concluded as follows:-

> "Thus, in view of the judgment of Hon'ble Supreme Court i the case of Sunita Sharma (supra) by which the qualification of Sr. Secondary (Vocational) has been held to be equivalent to Sr. Secondary (Academic), the

ground on the basis of which the petitioner was denied admission cannot be sustained and the petitioner is entitled to admission in BSTC Course-2003 in Dist. Education and Training Institute (DIET), Chittorgarh pursuant to advertisement dated 07.10.2003 (Anne.1) in OBC (Women) Category if she is otherwise found eligible."

In view of the aforesaid, there is no merit in the instant special appeal, the same stands dismissed.

(MANAK MOHTA),J. **(N.N.MATHUR),J**

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